UNITED
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General Assembly

Distr.
GENERAL

A/48/942
17 May 1994

ORIGINAL: ENGLISH

Forty-eighth session
Agenda items 8 and 156

ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK

RATIONALIZATION OF THE WORK AND REFORM OF THE AGENDA OF THE FIRST COMMITTEE

Letter dated 9 May 1994 from the Chairman of the Disarmament and International Security Committee (First Committee) to the Secretary-General

I have the honour to request that agenda item 156, entitled "Rationalization of the work and reform of the agenda of the First Committee", be reopened during the forty-eighth session of the General Assembly, in order to consider and take a decision on a draft resolution on the organization of the work of the Disarmament and International Security Committee (First Committee).

I should appreciate it if you would bring the present letter to the attention of the General Assembly for appropriate action.

(Signed) Adolf von WAGNER
Chairman
Disarmament and International Security
Committee (First Committee)

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UNITED
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General Assembly

Distr.
GENERAL

A/48/943
17 May 1994

ORIGINAL: ENGLISH

Forty-eighth session
Agenda item 38

ELIMINATION OF APARTHEID AND ESTABLISHMENT OF A UNITED, DEMOCRATIC AND NON-RACIAL SOUTH AFRICA

Letter dated 13 May 1994 from the Chargé d'affaires a.i. of the Permanent Mission of the Sudan to the United Nations addressed to the Secretary-General

I have the honour to transmit to you the statement issued by the Ministry of Foreign Affairs of the Sudan on the elections and inauguration of H.E. Mr. Nelson Mandela as President of the Republic of South Africa.

I should be grateful if the text of the statement could be circulated as a document of the forty-eighth session of the General Assembly under item 38 of the preliminary list.

(Signed) Hamid Ali EL TINAY
Chargé d'affaires

Annex

[Original: Arabic]

Statement by the Ministry of Foreign Affairs of the Sudan

On Tuesday, 10 May 1994, a dark and gloomy episode in the history of mankind is concluded, a tragedy on the conscience of humanity for some 300 years is terminated, and the chapters of an odious crime committed against the people of South Africa are ended.

On this day, the apartheid regime is buried forever, and a new day is dawning for the birth of a people that has broken its bonds and wrested its freedom from talons of the forces of tyranny and the racism of arrogance, embodying the concept of militancy and the value of struggle and martyrdom in the fight against evil for the triumph of the concept of good that God Almighty made innate in man and thereby honoured him.

On this day, the Black African militant Nelson Mandela is being inaugurated as President of South Africa, as a symbol of freedom and as a historic attestation to the power of peoples to achieve victory by an unswerving logic whenever they are resolved to do so.

The value of a human being does not lie in his colour or his race. The capabilities and values of peoples cannot be imprisoned behind bars, even if the forces of arrogance wish to curb their indomitable force. The cause of the people of South Africa has been a major issue of concern to Sudanese public opinion and occupies first place in its struggle against the forces of colonialism. We have striven for it, step by step, in full coordination with all the militant national forces in South Africa and at all regional and international levels and forums. Out of conviction, the Sudan has vigorously supported the people of South Africa against apartheid in respect of all the resolutions adopted by the Organization of African Unity since its inception, the League of Arab States, the Non-Aligned Movement, the Organization of the Islamic Conference and other regional forums. It has also taken a firm stand against apartheid and had the honour to host a session of the Supreme Council for Sports in Africa in Khartoum in 1975, at which a decision was taken to bar South Africa from all international sports events. The Sudan has also implemented all the resolutions adopted by all regional and international forums imposing isolation on the racist regime in South Africa, by prohibiting Sudanese airspace, ports and highways to racist South Africa. The Sudan has played a leading and effective role in the adoption of these resolutions and in enabling the armed struggle against apartheid. The Sudanese people, which aids the causes of the peoples, naturally considers the triumph of the Black majority in South Africa as a triumph for Sudanese ethical values and political principles.

The Revolution of National Salvation has accorded the utmost priority to African issues and has participated in all African activities at all levels, and the Sudan has been active in the Organization of African Unity and its agencies, the United Nations Economic Commission for Africa, the Preferential Trade Area,

the International Fund for Agricultural Development and regional and sectoral conferences and meetings.

It has also accorded attention to the enhancement of diplomatic representation in Africa, particularly in South Africa. The Sudan was one of the first African States to demand an active presence on the spot in South Africa itself, and the Revolution of National Salvation has followed closely the political developments in that fraternal country, up to the completion of the elections and the announcement of the results bringing President Mandela to power in his country.

His Excellency Lieutenant-General Bashir, the President of the Republic, has gone with a high-level delegation to participate with the people of South Africa in the ceremonies for the inauguration of African militant Mandela as the first African Head of State of South Africa.

Victory is from God alone. The Sudan, in welcoming the birth of a majority State in South Africa and congratulating its people on seizing its right to freedom and equality, is confident that the Government of South Africa, under the wise leadership of President Mandela, will be a major addition to the struggle of the African continent to achieve peace, prosperity and a decent life. Long live solidarity between peoples. Long live African Unity.

UNITED
NATIONS

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General Assembly

Distr.
GENERAL

A/48/944
23 May 1994
ENGLISH
ORIGINAL: FRENCH

Forty-eighth session
Agenda item 31

THE SITUATION OF DEMOCRACY AND HUMAN RIGHTS IN HAITI

Letter dated 13 May 1994 from the Permanent Representative of Haiti to the United Nations addressed to the Secretary-General

Further to the letter dated 23 March 1994 addressed to you by President Jean-Bertrand Aristide, I have the honour to enclose herewith the text of the terms of reference and procedures which were negotiated with your Special Envoy, Mr. Dante Caputo, for the deployment of the International Civilian Mission in Haiti.

I should be grateful if you would have the text of this letter and its annex distributed as a document of the General Assembly under agenda item 31.

(Signed) Fritz LONGCHAMP
Permanent Representative

Annex

INTERNATIONAL CIVILIAN MISSION IN HAITI

1. The International Civilian Mission in Haiti (subsequently referred to as the Mission) is hereby set up in response to the request which the President of Haiti, Jean-Bertrand Aristide, put forward in his letter of 8 January 1993, addressed to the Secretary-General of the United Nations and the Secretary-General of the Organization of American States.

2. The Mission shall carry out its mandate in accordance with the decisions taken and the agreements concluded by the Secretaries-General of the two organizations and, more specifically, in pursuance of the provisions of this document.

3. The objective of the Mission shall be to ensure that the human rights laid down in the Constitution of Haiti and the international instruments to which Haiti is party, especially the International Covenant on Civil and Political Rights and the American Convention on Human Rights, are respected in Haiti.

4. The Mission shall exercise its mandate throughout the territory of Haiti. It shall be provided, at the headquarters of each of the two organizations, with a support group.

5. The Mission shall be composed of two groups, the members of which shall come from the two organizations. Each group shall have a director in Haiti. The two directors shall report regularly on the progress of their mission, through the intermediary of the Special Envoy, to the Secretaries-General of the two organizations, who shall, in turn, report to the competent bodies of each organization.

6. The Special Envoy shall be entrusted with the task of supervising the activities of the Mission.

7. Each group shall be governed, in respect of the administrative and budgetary aspects, by the applicable rules in the organization to which it belongs. The financing of each group shall be undertaken separately by the United Nations and the Organization of American States.

8. The Special Envoy shall make the necessary arrangements concerning the presence of the Mission in Haiti.

9. The Special Envoy shall assess the political situation in Haiti with the assistance of the Mission.

10. In order to enable it to achieve its goals, the Mission shall have the following mandate:

(a) The Mission shall attach particular attention to respect for the rights to life, integrity and security of the person, individual liberty, freedom of expression and freedom of association;

(b) The Mission shall acquaint itself with the human rights situation in Haiti and shall take any initiative it may deem useful in order to ensure recognition and respect for these rights;

(c) The Mission shall, in particular, be able to:

(i) Ensure respect for human rights in Haiti;

(ii) Receive communications relating to human rights violations by any person, group of persons or organization in Haiti;

(iii) Travel freely to any place and enter any establishment without being accompanied and without giving notice;

(iv) Convene freely in any part of Haitian territory;

(v) Talk freely and in confidence with any person, any group or any member of any body or institution;

(vi) Gather, by the means it considers appropriate, any information it may deem relevant;

(vii) Put forward recommendations relating to its conclusions on cases or situations which come within its purview;

(viii) Verify that the competent authorities have taken action on those recommendations;

(ix) Devise and launch a campaign aimed at educating the general public in human rights and at explaining to it the mandate of the Mission itself;

(x) Utilize, where necessary, the mass media for discharging its mandate;

(xi) Assist the judiciary in strengthening the legal means of guaranteeing the exercise of human rights and respect for legal procedures.

11. The review by the Mission of a case or a situation shall not prejudge the application to such case or situation of the international and inter-American rules on the recognition and protection of human rights. The Mission's mandate shall not be a substitute for the mandates of the United Nations Human Rights Committee and the Inter-American Commission on Human Rights, respectively, in the application of the International Covenant on Civil and Political Rights and the American Convention on Human Rights.

12. The Haitian authorities undertake to render all necessary assistance to the Mission. For that purpose, they undertake to:

(a) Provide the Mission with all the facilities it may need in order to carry out its mandate;

(b) Ensure the security of persons who have communicated information, provided testimony or furnished evidence of any kind to the Mission, if the Mission deems it appropriate;

(c) Provide, as soon as possible, any information requested by the Mission;

(d) Implement, as rapidly as possible, recommendations made to them by the Mission;

(e) Refrain from obstructing the Mission in the performance of its tasks.

13. The Mission shall issue a special identity document to each of its members.

14. The Haitian authorities shall take the necessary steps to guarantee the security of members of the Mission and ensure their protection, both in respect of the physical integrity of persons and as regards property.

15. The privileges and immunities enjoyed by members of the Mission shall be the same as those applicable to members of the two organizations under their respective constituent charters, the relevant agreements in force in Haiti and the agreements concerning the operation of the offices of the two organizations in Haiti.

16. The members of the Mission shall enjoy, in particular, the following privileges and immunities:

(a) Immunity from personal arrest or detention and immunity from any jurisdiction in respect of oral or written statements they may make in the exercise of their functions;

(b) Inviolability of all papers and documents;

(c) The right to communicate with their respective headquarters and with each other by radio, telephone, fax, satellite links or any other means of communication, and to receive all documents or correspondence, which shall enjoy the same privileges and immunities as those which apply to couriers, emissaries and diplomat agents;

(d) The right to use any means of transport for travel within Haitian territory;

(e) Complete freedom of movement of personnel, equipment and vehicles in all parts of the country.

17. Mission premises shall be inviolable. The property and assets of such premises shall be exempt from any form of executive, administrative, judiciary or legislative constraint.

18. The archives of the Mission and all documents therein shall be inviolable, wherever they may be.

19. Privileges and immunities shall be granted to members of the Mission with a view to ensuring their complete independence in the exercise of their functions and shall not be used to their personal advantage or for the purpose of engaging in activities contrary to Haitian law.

20. The Mission is initially established for one year and its mandate is renewable.

* * *

21. Immediately upon deployment of the Mission, the Special Envoy shall initiate discussions in order to evaluate requirements and ways and means of strengthening democracy, accelerating economic development and modernizing and professionalizing the institutions that will guarantee justice and a stable democratic order. The discussions will focus, in particular, on reform of the judiciary, professionalization of the Armed Forces and separation of the police and the Armed Forces. On the basis of the Special Envoy's conclusions, the United Nations and the Organization of American States shall engage in the necessary consultations in order to implement these technical cooperation initiatives.